

REMARKS

Claims 1, 4-7, 10-18 are pending (claims 2, 3, 8, 9, and 19-29 being canceled by this amendment).

The Examiner rejected claims 1-19 under 35 USC 102(b) as anticipated by Kokish et al. (US 6,544,221), stating that Kokish discloses the claimed invention in (Col. 4, lines 53-65).

However, Kokish at col. 4, lines 53-65 discloses:

“The material for forming the balloon 28, including the outer and the inner layers, 112 and 118, includes any polymeric material conventionally used in the art. Preferably, the material includes: polyolefins, polyolefin copolymers and their blends; polyamides (e.g., Nylon 12), polyamide block copolymers (e.g., Pebax) and their blends (e.g., Nylon 12/Pebax and Pebax/Pebax blends); polyurethane block copolymers with MDI, HMDI or TDI hard segment and aliphatic polyester, polyether or polycarbonate soft segment (e.g., Pellethane, Estane or Bionate); polyester (e.g., PET) and polyester copolymers with 4GT (PBT) hard segment and aliphatic polyester or polyether soft segments (e.g., Hytrel, Pelprene or Arnitel).”

Thus, although Kokish does broadly disclose catheter balloons formed of polyester copolymers with an aliphatic polyester soft segment, Kokish does not specifically disclose a polyester copolymer with a lactone soft segment, as required for a rejection under 35 USC 102. The “aliphatic polyester” soft segment disclosed by Kokish embraces a large number of species and therefore does not anticipate Applicant’s claims requiring the specific polyester (lactone) soft segment (pursuant to MPEP 2131.02).

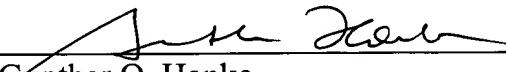
Moreover, Kokish explicitly limits the polyester copolymers to copolymers having 4GT (PBT) hard segments. In contrast, Applicant’s claims 1 and 7 require that the hard segments are selected from a group which does not include 4GT (PBT).

Applicants wish to bring to the attention of the Patent Office the references listed on the attached Form PTO/SB/08a, and request that they be considered by the Examiner. This Information Disclosure Statement is being submitted pursuant to 37 CFR 1.97(c)(2), and therefore the fee set forth in 1.17(p) is due.

Applicant respectfully requests reconsideration, and issuance of a timely Notice of Allowance.

Respectfully submitted,

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